

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

**SAN FRANCISCO UNIFIED
SCHOOL DISTRICT ex rel.
MANUEL CONTRERAS et al.,**

Plaintiffs and Appellants,

v.

**LAIDLAW TRANSIT, INC., et al.,
Defendants and Respondents.**

A123914

**(City & County of San Francisco
Super. Ct. No. CGC-07-463308)**

**ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]**

THE COURT:

It is ordered that the opinion filed herein on February 26, 2010, be modified as follows:

At the end of the paragraph commencing at the bottom of page 18 with “In this case” and ending at the top of page 19 with “payments as requested” add as footnote 16 the following footnote:

16 In a petition for rehearing, Laidlaw contends that, in order to satisfy the materiality requirement for an implied certification claim, a plaintiff must plead facts regarding how the relevant government entity monitored contract performance. Laidlaw cites to nothing in the CFCA supporting its position, and Laidlaw cites to no cases imposing such a pleading requirement.

There is no change in the judgment.

Respondent’s petition for rehearing is denied.